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26 February 1998

Fifty-second session
Agenda item 112 (*b*)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Third Committee (A/52/644/Add.2)*]

52/131. Strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

The General Assembly,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Desirous of achieving further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

Deeply convinced that United Nations action in this field should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and principles of the Charter of the United Nations and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Reaffirming all its resolutions in this regard,

Reaffirming also the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, as affirmed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1]

Affirming the importance of the objectivity, independence and discretion of the special rapporteurs and representatives on thematic issues and on countries, as well as of the members of the working groups, in carrying out their mandates,

Underlining the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially under the Charter, as well as various international instruments in the field of human rights,

1. *Reiterates* that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development and that every State has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. *Reaffirms* that it is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. *Calls upon* all Member States to base their activities for the protection and promotion of human rights, including the development of further international cooperation in this field, on the Charter of the United Nations, the Universal Declaration of Human Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[3] the International Covenant on Civil and Political Rights[3] and other relevant international instruments and to refrain from activities that are inconsistent with that international framework;

4. *Considers* that international cooperation in this field should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

5. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms, as legitimate concerns of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. *Underlines* the importance of the promotion of dialogue on human rights issues;

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[1] A/CONF.157/24 (Part I), chap. III.

[2] Resolution 217 A (III).

[3] See resolution 2200 A (XXI), annex.

7. *Emphasizes* that all human rights are universal, indivisible, interdependent and interrelated and that, as such, the international community must treat them globally in a fair and equal manner, on the same footing and with the same emphasis;

8. *Requests* all human rights bodies within the United Nations system, as well as the special rapporteurs and representatives, independent experts and working groups, to take duly into account the contents of the present resolution in carrying out their mandates;

9. *Expresses its conviction* that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms;

10. *Stresses*, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events in all countries;

11. *Invites* Member States to consider adopting, as appropriate, within the framework of their respective legal systems and in accordance with their obligations under international law, especially the Charter, and international human rights instruments, the measures that they may deem appropriate to achieve further progress in international cooperation in promoting and encouraging respect for all human rights and fundamental freedoms for all;

12. *Requests* the Commission on Human Rights to take duly into account the present resolution and to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity;

13. *Reiterates its request* to the Secretary-General to consult Member States, intergovernmental organizations and non-governmental organizations on ways and means for the strengthening of United Nations action in the field of human rights, including the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity, and to submit a comprehensive report on this issue to the General Assembly at its fifty-third session;

14. *Decides* to consider this matter at its fifty-third session under the item entitled "Human rights questions".

70th plenary meeting
12 December 1997

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27 February 1998

Fifty-second session
Agenda item 112 (*b*)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Third Committee (A/52/644/Add.2)*]

52/132. Human rights and mass exoduses

The General Assembly,

Deeply disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons,

Recalling its previous relevant resolutions, as well as those of the Commission on Human Rights, in particular Commission resolution 1997/75 of 18 April 1997,[1] and the conclusions of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,[2] which recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to the displacement of people,

Noting with satisfaction the participation of the United Nations High Commissioner for Human Rights in the framework for coordination activities and projects organized by the United Nations system aimed at evolving a comprehensive approach to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms,

Conscious of the fact that mass exoduses of populations are caused by multiple and complex factors, which may include human rights violations, political, ethnic and economic conflicts, famine, insecurity, violence, poverty and environmental degradation, indicating that comprehensive approaches, in particular

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[1] See *Official Records of the Economic and Social Council, 1997, Supplement No. 3* (E/1997/23), chap. II, sect. A.

[2] A/CONF.157/24 (Part I), chap. III.

early warning, require an intersectoral and multidisciplinary approach to enable a coherent response, particularly at the international and regional levels,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities for addressing human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Convinced that the activities of these mechanisms, with a view, *inter alia*, to preventing mass exoduses and to strengthening emergency preparedness and response mechanisms of the United Nations system as a whole, should be encouraged and further developed and coordinated at both the international and regional levels, with priority given to the systematization of early-warning information collection,

Welcoming the continuation of inter-agency consultations on early warning of mass flows of refugees, pursuant to the decision of the Administrative Committee on Coordination, with the purpose of serving in both prevention of and preparedness for humanitarian emergencies,

Recognizing the complementarity between the systems for the protection of human rights and for humanitarian action and that the work of humanitarian agencies makes an important contribution to the achievement of human rights,

Welcoming the cooperation between the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and other relevant United Nations entities to ensure effective coordination of activities within their mandates and expertise with respect to returnee promotion and monitoring, technical advice, institution-building and rehabilitation activities,

Recognizing that women and children constitute the majority of most refugee populations and that, in addition to the problems they share in common with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violations of human rights,

Recalling that States parties to the 1951 Convention relating to the Status of Refugees[3] undertake, under article 35, to provide information on the implementation of the Convention to the Office of the United Nations High Commissioner for Refugees, as was recalled by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees in its general conclusions 77 (XLVI) of 1995,[4] 79 (XLVII) of 1996[5] and 81 (XLVIII) of 1997[6] on international protection,

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[3] United Nations, *Treaty Series*, vol. 189, No. 2545.

[4] *Official Records of the General Assembly, Fiftieth Session, Supplement No. 12 A* (A/50/12/Add.1), chap. III, sect. A.1.

[5] Ibid., *Fifty-first Session, Supplement No. 12 A* and corrigendum (A/51/12/Add.1 and Corr.1), chap. III, sect. A.1.

[6] Ibid., *Fifty-second Session, Supplement No. 12 A* (A/52/12/Add.1), chap. III, sect. A.1.

Distressed by the widespread violation of the principle of non-refoulement and of the rights of refugees, in some cases resulting in loss of refugee lives, and by reports indicating that large numbers of refugees and asylum-seekers have been subjected to refoulement and expelled in highly dangerous situations, and recalling that the principle of non-refoulement is not subject to derogation,

Recalling all relevant human rights standards, including the Universal Declaration of Human Rights,[7] the principles of international protection for refugees, the above-mentioned general conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on international protection and the fact that asylum applicants should have access to fair and expeditious status-determination procedures,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees in meeting the protection and assistance needs of refugees worldwide and in working to make it possible for refugees to exercise their fundamental right to return to and to stay in their own countries, in safety and dignity,

1. *Takes note* of the report of the Secretary-General;[8]

2. *Recalls with satisfaction* its endorsement, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language, and urges States to refrain from denying them because of gender;

3. *Strongly deplores* ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

4. *Again invites* all Governments and regional, intergovernmental and humanitarian organizations concerned, where appropriate, to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons and the causes of such exoduses;

5. *Emphasizes* the responsibility of all States and international organizations to cooperate with those countries, particularly developing countries, affected by mass exoduses of refugees and displaced persons, and calls on Governments and the United Nations High Commissioner for Human Rights to continue to respond to the assistance needs of countries hosting large numbers of refugees until durable solutions are found;

6. *Urges* all bodies involved in inter-agency consultations on early warning to cooperate fully in and to increase the necessary commitment and resources to the successful operation of the consultations;

7. *Invites* the special rapporteurs, special representatives and working groups of the Commission on Human Rights and the United Nations human rights treaty bodies, acting within their mandates, to seek

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[7] Resolution 217 A (III).

[8] A/52/494.

information, where appropriate, on human rights problems which may result in mass exoduses of populations or impede their voluntary return home, to include, where appropriate, such information, together with recommendations thereon, in their reports and to bring such information to the attention of the United Nations High Commissioner for Human Rights for appropriate action in fulfilment of her mandate, in consultation with the United Nations High Commissioner for Refugees;

8. *Requests* all United Nations bodies, including the human rights treaty bodies, acting within their mandates, the specialized agencies and governmental, intergovernmental and non-governmental organizations to cooperate fully with all mechanisms of the Commission on Human Rights and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

9. *Requests* the United Nations High Commissioner for Human Rights, in the exercise of her mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, to coordinate human rights activities throughout the United Nations system and, in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations which cause or threaten to cause mass exoduses and to contribute to efforts to address such situations effectively through protection measures, emergency preparedness and response mechanisms, including information sharing with the United Nations early-warning mechanisms, and the provision of technical advice, expertise and cooperation in countries of origin as well as in host countries;

10. *Welcomes* the efforts of the United Nations High Commissioner for Human Rights to contribute to the creation of an environment viable for return in post-conflict societies through initiatives such as the rehabilitation of the justice system, the creation of national institutions capable of defending human rights, broad-based programmes of human rights education and strengthening of local non-governmental organizations through programmes of advisory services and technical cooperation;

11. *Urges* the Secretary-General to give high priority and to allocate the necessary resources within the regular budget of the United Nations for the consolidation and strengthening of emergency preparedness and response mechanisms, including early-warning activities in the humanitarian area, for the purpose of ensuring, *inter alia*, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons and to invite comments on this issue;

12. *Welcomes with appreciation* the contributions of the United Nations High Commissioner for Refugees to the deliberations by the Commission on Human Rights at its fifty-third session and to other international human rights bodies and mechanisms and the Commission's invitation to her to address its fifty-fourth session;

13. *Encourages* States that have not already done so to consider acceding to the 1951 Convention[3] and the 1967 Protocol[9] relating to the Status of Refugees and to other relevant regional refugee instruments, as applicable, and to relevant international human rights instruments;

14. *Notes with appreciation* that a number of States not parties to the 1951 Convention and the 1967 Protocol continue to maintain a generous approach to asylum;

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[9] United Nations, *Treaty Series*, vol. 606, No. 8791.

15. *Encourages* States parties to the 1951 Convention to provide information to the Office of the United Nations High Commissioner for Refugees, in accordance with article 35 of the Convention;

16. *Calls upon* States to ensure effective protection of refugees by, *inter alia*, respecting the principle of non-refoulement;

17. *Requests* the Secretary-General to prepare and submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution as it pertains to all aspects of human rights and mass exoduses, including detailed information on the programmatic, institutional, administrative, financial and management efforts instituted to enhance the capacity of the United Nations to avert new flows of refugees and to tackle the root causes of such flows;

18. *Decides* to continue its consideration of this question at its fifty-fourth session.

70th plenary meeting
12 December 1997